

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOSEFA LLUBERES,

Plaintiff,

-v-

CAROLYN W. COLVIN, ACTING
COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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ELECTRONICALLY FILED
DOC #:
DATE FILED: 08-18-14

No. 13-cv-4027 (RJS) (GWG)

ORDER ADOPTING
REPORT AND RECOMMENDATION

RICHARD J. SULLIVAN, District Judge:

Plaintiff Josefa Lluberres brings this action pursuant to 42 U.S.C. §§ 405(g) and 1383(c)(3) to appeal the final decision of the Social Security Commissioner (“Defendant” or “Commissioner”) denying her claims for Disability Insurance Benefits and Supplemental Security Income under the Social Security Act. (Doc. No. 1.) On June 18, 2013, the Court referred this matter to the Honorable Gabriel W. Gorenstein, Magistrate Judge, for a Report and Recommendation. (Doc. No. 3.) Thereafter, Plaintiff and Defendant each moved for judgment on the pleadings pursuant to Rule 12(c) of the Federal Rules of Civil Procedure. (Doc. Nos. 20 & 25.)

Now before the Court is Judge Gorenstein’s Report and Recommendation, dated June 20, 2014 (the “Report”), recommending that (1) Plaintiff’s motion be denied, and (2) Defendant’s motion be granted. (Doc. No. 29.) In the Report, Judge Gorenstein informed the parties of the timeframe to file of objections and advised the parties that failure to file timely objections to the Report would constitute a waiver of those objections on appeal. *See* 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b). No party has filed objections to the Report, and the time to do so has expired.


The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1); *see also* Fed. R. Civ. P. 72(b)(3). When no objections to a report and recommendation are made, “a district court need only satisfy itself that there is no clear error on the face of the record.” *Boyd v. City of New York*, 12-cv-3385 (PAE) (JCF), 2013 WL 452313, *1 (S.D.N.Y. Feb. 6, 2013) (citation and internal quotation marks omitted); *see also Lang ex rel. Morgan v. Astrue*, 05-cv-7263 (KMK) (PED), 2009 WL 3747169, *1 (S.D.N.Y. Nov. 6, 2009) (“[W]here a party does not submit an objection, a district court need only satisfy itself that there is no clear error on the face of the record.”) (citation and internal quotation marks omitted).

Having reviewed Judge Gorenstein’s comprehensive and well-written twenty-page Report, the Court finds that the reasoning and conclusions set forth therein are not facially or clearly erroneous. The Court agrees that (1) there was “no error in the ALJ’s decision not gather additional evidence pertaining to [Plaintiff’s] intellectual abilities,” (Report at 16), and (2) “given the thoroughness of [Dr. Alexander’s] report as well as its general consistency with the other evidence in the record, . . . the ALJ did not err in giving Dr. Alexander’s medical opinion significant weight,” (*id.* at 19). Accordingly, the Court adopts the Report in its entirety.

IT IS HEREBY ORDERED that Plaintiff’s motion for judgment on the pleadings is DENIED, Defendant’s motion for judgment on the pleadings is GRANTED, and the Commissioner’s denial of benefits is AFFIRMED. The Clerk of the Court is respectfully directed to terminate the motions pending at docket numbers 18, 20, and 25 and to close this case.

SO ORDERED.

DATED: August 18, 2014
New York, New York



RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE